



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, RI 02835

401 423-1920
FAX 401 423-1925
TDD 401 222-4462

RI Marine Fisheries Regulatory Streamlining Initiative

Workshop on Proposed Rewrite of Finfish Regulations
March 9, 2011

Agenda

A. Introduction –

- Purpose – Impetus for Action
- Objective & Intent
- Process

1. DEM's Division of Fish & Wildlife – Marine Fisheries Program is undertaking a comprehensive revision of all RI Marine Fisheries Regulations. This initiative is a continuation of previous efforts by Fish and Wildlife staff to streamline, consolidate, and reorganize existing regulations. It is not the intent of this initiative to make any substantive changes to existing regulations. Rather, the intent is only to improve the organization, clarity, and readability of the regulations, which are currently broken out into 24 separate parts.
2. Consolidation of 24 Parts of Marine Fisheries Regulation into 11.
 1. Finfish Management Plan
 2. Finfish Regulations
 3. Shellfish Management Plan
 4. Shellfish Regulations
 5. Lobster and Crustacean Management Plan
 6. Lobster and Crustacean Regulations
 7. Possession Limit Modifications; Closures
 8. Gear Regulations
 9. Dealer Regulations
 10. Licensing Regulations
 11. Aquaculture Regulations
3. Two Phase Process
 - Phase I – First half of 2011
 - No substantive changes

- Reorganization
 - Standardization of language
 - Clarification when possible
 - Each part to be subjected to a series of reviews, beginning with several public workshops, followed by public notice and public hearing, and concluding with consideration by the RI Marine Fisheries Council, and then formal adoption of Phase I changes – i.e., reorganization of regulations into 11 Parts
 - Cataloguing of substantive issues to be addressed during Phase II
- Phase II – First half of 2012
 - Addressing substantive regulatory issues that arise through the streamlining process.

B. Guiding Principles –

- Communicate the elements of Rhode Island’s marine fisheries regulatory program in a way that is readily accessible to the general public, the regulated community, enforcement, and managers.
- Meticulous documentation of re-write process to provide transparency and accountability. Clear road map associated with all proposed changes.
 1. Where did provisions/regulations come from? Statute or existing regulation?
 2. What was done to existing regulation? How was it modified?
 3. Why?
- Eliminate repetitive and duplicate language without altering the intent of the regulation.

C. Re-Structuring of Finfish Regulations:

- For public review/comment, DFW has prepared three corresponding documents:
 1. APA Document (Annotated Version)
 - The format in which proposed changes would be posted for public hearing.
 2. Working Draft with Comments (Annotated and Commented Version)
 - A format offering descriptions and notes, for all the proposed changes, within the body of the proposed regulations.
 3. Clean Version (Clean Version)
 - How the new regulations would read if all the proposed changes were adopted.

- General Outline:
 - Table of Contents
 - Definitions
 - General Provisions
 - Species-Specific Sections
- General Provisions

Incorporate regulations that address fundamental management concepts and have broad applicability to commercial and recreational fisheries.

The General Provisions of the proposed finfish regulations seek to:

- *Consolidate “generic” regulations applicable to all finfish species into a single section.*
- *Standardize management approaches, when appropriate.* For example: codifying DEM’s handling of the under-harvest or over-harvest of a given species across sub-periods and fishing years. The intent of this provision is to provide for more predictability and transparency by implementing conditional (if-then) measures as to how quota is re-distributed across sub-period and fishing years.

In a few limited instances, some existing species-specific regulations have been applied to all finfish via General Provisions. While these proposed changes are substantive, they are being offered as proposed Phase I changes because it seems reasonable to do so. Some pertinent instances are:

- II(5) – General Provision requiring DEM to file notice of a change of possession limit at least 48 hours prior to modification.
- III – Modification of Sub-Period Allocations – Standardizing how quota is re-allocated.
- I(F) – Logbook aboard a vessel.
- I(G) – Net obstruction or constriction.

- Structure of finfish species-specific parts:
 - Season and sub-periods
 - Minimum sizes
 - Possession/Landing Limit
 - Commercial Quota (if applicable)
 - Species Specific Regulations
 - Example: Aggregate Program (if applicable)
- Review of specific species, using tautog and striped bass as examples

D. Public Meetings and Comments -

- Comments are welcome at workshops, or via email before or after the workshops
- Comments should be sent to Jonathon.peros@dem.ri.gov
- Workshops will be recorded, and minutes will be produced
- Summaries of all comments, and workshop minutes, will be made available on DEM Marine Fisheries Website.
- All future workshops will be announced via Listserve
- Updates on the overall process will be provided to the RI Marine Fisheries Council at all regular Council meetings.